

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No. 27086 of 1994

Smt. Venkatamma  
W/o late R. Peeranna  
aged about 65 years  
K.Edathore  
H.D.Kote Taluk  
Mysore District

.. PETITIONER

(By Sri Narendra Prasad, Advocate for M/s  
Ravivarma Kumar, Advocate)

- Vs -

1. The Assistant Commissioner  
Hunsur Sub-Division  
Hunsur
2. The Tahsildar  
H.D.Kote  
Mysore District
3. The Land Grant Committee  
represented by its Secretary  
Tahasildar  
H.D.Kote  
Mysore District

.. RESPONDENTS

(By Sri B.E.Kotian, Addl. Government Advocate)

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to direct the respondents to regularise the petitioner's holding of the land in question and grant the land in favour of the petitioner and etc.

This petition coming on for preliminary hearing in 'B' group this day, the Court made the following:

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ORDER

Though this petition is posted in 'B' group with the consent of the learned counsel appearing for the parties, it is taken up for final hearing and disposed of by this order.

2. The petitioner in this petition claims to be in unauthorised occupation of land measuring 1 acre and 20 guntas of Government land in Sy.No.89 situated at K.Edathore village, H.D.Kote Taluk, Mysore District.

3. In this petition, he has sought for a direction praying to quash the Notice dated 8th August 1994, a copy of which has been produced as Annexure-A and the Notice dated 9th June 1994, a copy of which has been produced as Annexure-B issued by the 2nd respondent directing the petitioner to vacate and hand over possession of the land in question and also for a further direction to regularise the unauthorised occupation of the land in question by the petitioner.



4. Sri Narendra Kumar, learned counsel for the petitioner submitted that the petitioner has been in unauthorised occupation of the land in question. She has made an application seeking for regularisation of her unauthorised occupation in respect of the said land by filing Form No.50 as provided under Section 94-A of the Karnataka Land Revenue Act and under these circumstances till the disposal of the said application it is not permissible for the respondents to evict the petitioner from the land in question.

5. Admittedly, the Notices impugned in this petition shows that the petitioner has been in unauthorised occupation of the land in question. Whether the petitioner is entitled for regularisation of her unauthorised occupation of the land in question or not is a matter required to be considered by the Committee constituted under Section 94-A of the Act. Though the petitioner had filed this petition in the year 1994 asserting that she has filed Form No.50 seeking regularisation of her unauthorised occupation, till now statement of objections have not been filed disputing that the petitioner has filed Form



No.50. Therefore, I have to proceed on the basis that Form No.50 seeking regularisation of the unauthorised occupation of the land in question has been filed by the petitioner.

6. Under these circumstances, since the petitioner is admittedly in possession of the land in question, it is not just, fair and reasonable for the respondents to dispossess the petitioner from the land in question till Form No.50 filed by the petitioner is disposed of by the Committee. Therefore, the Notice dated 8th August 1994, a copy of which has been produced as Annexure-A and the Notice dated 9th June 1994, a copy of which has been produced as Annexure-B issued by the 2nd respondent are liable to be quashed. In the light of the discussion made above, I make the following order:

(i) The Notice dated 8th August 1994, a copy of which has been produced as Annexure-A and the Notice dated 9th June 1994, a copy of which has been produced as Annexure-B issued by the 2nd respondent are hereby quashed.



(ii) The 3rd respondent-Committee is directed to dispose of the application in Form No.50 filed by the petitioner as provided under Section 94-A of the Act as expeditiously as possible and at any event of the matter not later than nine months from the date of receipt of a copy of this order.

7. In terms stated above, this petition is allowed and disposed of. Rule is issued and made absolute.

8. Sri B.E.Kotian, learned Government Advocate is given four weeks' time to file his memo of appearance.



Sd/-  
JUDGE

pmg/